

36. The system of claim 35, wherein PLAYERS rely solely on peer-to-peer collaboration in their pursuit of the team goal; and further, said reporting is accomplished by the PLAYERS themselves (FIG. 12).
37. The system of claim 34, further comprising developing refinements to existing ASPECTs or discovering additional valuable ASPECTs previously not uncovered, for modification of the reporting measurement rules by reporter collaboration means.

REMARKS:

The applicant has cancelled claims 11-25 in proposed Amendment A which were judged to be directed to an invention that is distinct from the one originally claimed. The Applicant has also canceled original claims 1-10, nine of which were rejected under 35 U.S.C 112 as "vague" and "failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention". These cancelled claims have been replaced by claims 26 - 37, which particularly point out and distinctly claim the subject matter which the applicant regards as the invention and are directed to the invention originally claimed.

Objection - Claims not directed to original invention

The Applicant requests consideration of the following new claim 26 in light of the following guidelines from

Examination Guidelines for Computer Related Inventions,
USPTO.

- 1) "An applicant may change what he or she regards as the invention during the prosecution of the application" (P.24)
- 2) "For the written description requirement, an applicant's specification must reasonably convey to those skilled in the art that the applicant was in possession of the claimed invention as of the date of invention." (P. 25)

Furthermore, it is well understood that broadening or narrowing claims is not new matter.

New Claim 26 particularly points out and distinctly claims the subject matter which the Applicant regards as the invention by adding limitations that are incorporated in both the first embodiment (FIRST) and second embodiments (SECOND) of the original specification.

FIRST and SECOND indicate the range of a generalized method and system. FIRST addresses non-commercial sports entertainment for individuals of both sexes from adolescents to seniors. SECOND addresses the commercial environment for adult business people maximizing the selling activity of a commercial sales group. Some of the commonalities between FIRST and SECOND are as follows:

- 1) Both embodiments gather information on team-member activity in a COMPETITIVE ENVIRONMENT as defined on page 6 of the original specification.
- 2) Both embodiments divide information gathering into aspects according to a common novel methodology to address the difficulty of observing and judging all aspects of team-member activity by enabling plural REPORTERS to seamlessly and accurately perform "collectively" as one omniscient information gatherer.

- 3) Both embodiments rely on a self-organizing group to provide complete information gathering.
- 4) Both embodiments rely on self-training by REPORTERS to refine their information gathering skills.

These and other commonalities particularly point out the originally presented invention in this application.

The rejection of Claims 1-5 and 7-10 under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The applicant requests reconsideration of substitute claim 26 and withdrawal of this objection, on the basis of the following assertions.

Preamble of Claim 26:

Support for "collectively self-organized" and "role selection"

(System Operation, Step 1:, original specification P. 19)
"The REPORTER chooses a particular CONTEST from a list, and then chooses an ASPECT to report. A matrix showing the number of REPORTERS who have already made commitments to report on specific ASPECTs of his chosen CONTEST guides his choice. REPORTERS are motivated to choose the ASPECT with the lowest committed coverage in order to insure complete coverage of the CONTEST. By adding ASPECT instance reports to the pool of CONTEST information submitted by all REPORTERS, a REPORTER qualifies to receive analyses derived from the pool of information submitted by all REPORTERS. This gives the REPORTER expanded insight to causality for the team achievement that he would not have

gained as a single observer. Inputs to Step 3 are CONTEST, ASPECT and Team. Output for Step 3 is a Java Server Page data entry form for reporting the ASPECT specified in the input."

Support for Information Discovery

(Preferred Embodiment, original specification, P. 25)

"The REPORTER in this preferred embodiment is the dedicated fan of a Basketball team. The complex nature and the accelerated pace of activity during a Basketball game makes it difficult for a single fan, to identify the critical few PLAYER actions and collaborations that are causal to his team winning the game."

(Later in P.25)

"This preferred embodiment of the present invention utilizes a protocol for observing the Basketball game that enables fans to focus on one or more of the critical few PLAYER actions that contribute to their team's achievement. It also utilizes a value system demonstrated to be consistent with winning, for the fan to use in identifying effective PLAYER actions. The protocol and value system being used are described in pending U.S. patent application number 09/571,874, filing date 05/13/2000. This methodology breaks the CONTEST into a set of elemental CONTESTs called POSSESSIONs. A POSSESSION represents a unique pursuit of a team goal, beginning with the successful acquisition of the resources required to achieve that goal (ball), and proceeding with the enhancement of those resources (create shooting opportunity) by stages until the team goal is achieved (shooting to score points), the resources are lost, or the CONTEST duration is exceeded (game-clock time)."

Support for Information Reporting

(Summary, original specification, p. 3)

"The method segments the contest into plural aspects for reporting purposes. Each reporter reports one or more aspects of the contest."

(P. 14 of original specification)

"Upon selecting a CONTEST and ASPECT, this mechanism presents the REPORTER with a form to record the ASPECT instance data for his chosen ASPECT.

Report Management System

Capture Mechanism 400

Receives compacted data reports submitted by REPORTERS, adds a system time stamp and makes the record persistent in a centralized database. It then notifies the REPORTERS data entry device that his report has been received."

Support for Information Aggregation

(System Operation of original specification, P. 20)

"Step 5:

One representative ASPECT measurement is selected to represent each ASPECT instance of the CONTEST for a team. Only those representative ASPECT measurements are processed through the scoring algorithm. An ERROR CORRECTION CODE is used as a measure to compare values of ASPECT measurements in the selection of the representative ASPECT report. One method for computing the representative ASPECT measurement is to group all ASPECT measurements by ERROR CORRECTION CODE value, for each ASPECT instance of a CONTEST. Then select an ASPECT report with the most frequently occurring ERROR CORRECTION CODE value as the representative

measurement of this set. The Report Management Process has 5 steps as shown in FIG.10:

- a) On a periodic basis, the Parser Mechanism 500 will check for the arrival of new ASPECT reports submitted by REPORTERS. It parses each of these report data strings into ASPECT data elements, inserts the data elements into fields in a report object and stores the report object in the database. This process is repeated until all reports in the arrival queue have been parsed. This process is repeated on a periodic basis.
- b) A filtering process is employed to reduce data processing and protect data integrity. On a periodic basis, the Filtering Mechanism 600 will select a representative report for each ASPECT instance for a team in an ongoing CONTEST.
- c) The Assembly Mechanism 700 consolidates data from these representative reports to populate the POSSESSION report entity with ASPECT measurements and then stores the POSSESSION report in the database.
- d) The Scoring Mechanism 800 scores all POSSESSION reports by distributing the reward value assigned to the team achievement for that POSSESSION according to the scoring algorithm of the value system for the COMPETITIVE ENVIRONMENT. The reward value attributed to the successful POSSESSION is divided among PLAYERS that were reported as contributors to the success of the POSSESSION.
- e) The Publishing Mechanism 900 aggregates POSSESSION reports to create CONTEST reports showing PLAYERS' contributions to team achievement for the entire CONTEST. These results are formatted and published via website, interactive TV, wireless device, electronic scoreboard,

newspapers or other media of mass distribution. The inputs to Step 5 are ASPECT instance reports. The output from Step 5 is a CONTEST report."

Support for COMPETITIVE ENVIRONMENT

(Summary in original specification, P. 5)

1. "Process flow abstraction called COMPETITIVE ENVIRONMENT that represents a domain with a set of rules and conditions that determines which team-member actions are contested and which are uncontested. It also determines the relative values of functionally different team-member actions, thereby influencing the activity which team-members employ while contesting to achieve a team goal."

Support for Means Clauses in Claim 26:

a) guiding REPORTERS on how to integrate their information gathering activities to achieve the goal of providing complete coverage for a CONTEST by signup commitment means;

(System Operation in original specification, P.19)

"Step 3:

The REPORTER chooses a particular CONTEST from a list, and then chooses an ASPECT to report. A matrix showing the number of REPORTERS who have already made commitments to report on specific ASPECTs of his chosen CONTEST guides his choice. REPORTERS are motivated to choose the ASPECT with the lowest committed coverage in order to insure complete coverage of the CONTEST. By adding ASPECT instance reports to the pool of CONTEST information submitted by all REPORTERS, a REPORTER qualifies to receive analyses derived from the pool of information submitted by all REPORTERS. This gives the REPORTER expanded insight to causality for the team achievement that he would not have

gained as a single observer. Inputs to Step 3 are CONTEST, ASPECT and Team. Output for Step 3 is a Java Server Page data entry form for reporting the ASPECT specified in the input."

(Second Preferred Embodiment in original specification, P.31)

"The Selling Team can be self-managing. The protracted time duration of the sales process allows the reporting function to be performed by the member of the Selling Team who performed the valued action contributing to the sale. Initially, only his report will be processed for each ASPECT instance of a CONTEST. However, any member of the team could submit a challenging ASPECT report. In this case a different filtering process is employed to select the representative ASPECT report. A peer review process is used by team-members to choose the representative report from contending reports. This self-managing feature insures that the rules of the reward system govern with no personal bias."

"b) creating a common perspective among the plurality of REPORTERS by team-member interaction protocol means to guide reporters' collective discovery of valued team-member interactions;

c) creating among plural REPORTERS, consistent measuring and valuing of team-members' contributions by team goal achievement value system means;"

The original specification particularly points out an "incorporated" means for clause b) and a means for clause c) on P. 5 of original specification recited below.

"The present invention achieves the following desired features:

means to report team-member actions and collaborations that are causal to a team win; incorporating a means for observing a contest in a manner that reveals the critical few team-member actions; and incorporating a means to value team-member actions for their contribution to a team win,"

The original specification also particularly points out the purpose of the means of clauses b) and c) on P. 25 of the original specification as recited below.

"(Preferred Embodiment, original specification, P. 25)

"The REPORTER in this preferred embodiment is the dedicated fan of a Basketball team. The complex nature and the accelerated pace of activity during a Basketball game makes it difficult for a single fan, to identify the critical few PLAYER actions and collaborations that are causal to his team winning the game."

(Later in P.25)

"This preferred embodiment of the present invention utilizes a protocol for observing the Basketball game that enables fans to focus on one or more of the critical few PLAYER actions that contribute to their team's achievement. It also utilizes a value system demonstrated to be consistent with winning, for the fan to use in identifying effective PLAYER actions."

(Later in P.25)

This methodology breaks the CONTEST into a set of elemental CONTESTs called POSSESSIONS. A POSSESSION represents a unique pursuit of a team goal, beginning with the successful acquisition of the resources required to achieve that goal (ball), and proceeding with the enhancement of

those resources (create shooting opportunity) by stages until the team goal is achieved (shooting to score points), the resources are lost, or the CONTEST duration is exceeded (game-clock time)."

Examples of the means for clauses b) and c) are described in detail in Preferred Embodiment and Second Preferred Embodiment which include references to the Applicant's prior patent to provide functioning examples of the invention as recited below.

(Preferred Embodiment, P.25 of the original specification)

"The protocol and value system being used are described in pending U.S. patent application number 09/571,874, filing date 05/13/2000."

(Second Preferred Embodiment P.25, original specification)

"The protocol and value system of this preferred embodiment are described in pending U.S. patent application number 09/571,874, filing date 05/13/2000."

- d) recording plural reports and selecting a representative aspect report from each set of redundant reports; and
- e) aggregating said representative reports to create composite reports, storing and retrieving them from a database;

(System Operation of original specification, P.20)

"Step 5:

One representative ASPECT measurement is selected to represent each ASPECT instance of the CONTEST for a team. Only those representative ASPECT measurements are processed

through the scoring algorithm. An ERROR CORRECTION CODE is used as a measure to compare values of ASPECT measurements in the selection of the representative ASPECT report. One method for computing the representative ASPECT measurement is to group all ASPECT measurements by ERROR CORRECTION CODE value, for each ASPECT instance of a CONTEST. Then select an ASPECT report with the most frequently occurring ERROR CORRECTION CODE value as the representative measurement of this set. The Report Management Process has 5 steps as shown in FIG.10:

On a periodic basis, the Parser Mechanism 500 will check for the arrival of new ASPECT reports submitted by REPORTERS. It parses each of these report data strings into ASPECT data elements, inserts the data elements into fields in a report object and stores the report object in the database. This process is repeated until all reports in the arrival queue have been parsed. This process is repeated on a periodic basis. A filtering process is employed to reduce data processing and protect data integrity. On a periodic basis, the Filtering Mechanism 600 will select a representative report for each ASPECT instance for a team in an ongoing CONTEST. The Assembly Mechanism 700 consolidates data from these representative reports to populate the POSSESSION report entity with ASPECT measurements and then stores the POSSESSION report in the database.

The Scoring Mechanism 800 scores all POSSESSION reports by distributing the reward value assigned to the team achievement for that POSSESSION according to the scoring algorithm of the value system for the COMPETITIVE ENVIRONMENT. The reward value attributed to the successful

POSSESSION is divided among PLAYERS that were reported as contributors to the success of the POSSESSION.

f) The Publishing Mechanism 900 aggregates POSSESSION reports to create CONTEST reports showing PLAYERS' contributions to team achievement for the entire CONTEST. These results are formatted and published via website, interactive TV, wireless device, electronic scoreboard, newspapers or other media of mass distribution. The inputs to Step 5 are ASPECT instance reports. The output from Step 5 is a CONTEST report."

The Rejection of Claims 1-10 under 35 U.S.C. §103(a)

As being unpatentable over Birch et al. (6,292,706) in view of one of ordinary skill in the art.

The applicant requests reconsideration of re-written claim 26 and withdrawal of this objection, on the basis of the following assertions:

Cited Prior Art is vague and should be construed narrowly. Birch teaches a method for reporting player activity, however, it is not part of the game metaphor as in Campaigne. Birch's Scouts enter data into a database as a background maintenance function. Since little is said about the organization and management of Birch's Scouts, it must be assumed that they are under centralized control for training and organization and that their motivation to perform their function is monetary compensation.

Campaigne has a different mode of operation than Birch. Birch's preferred embodiment is the game of baseball which does not anticipate the characteristics which are embodied in Campaigne, i.e., complex action with an accelerated pace or protracted pace that makes it difficult for a REPORTER

to gain more than a superficial understanding of the causality for team achievement while observing the CONTEST. Campagne distinguishes over Birch by anticipating large numbers of untrained REPORTERS who will self-organize and self-train by playing Campagne's game.

Campagne also distinguishes over Birch by relying on redundant reports by self-motivated reporters. Birch's Scouts need an external incentive which makes Birch treat his Scouts as a scarce commodity to be conserved because of incurred training, management and compensation expenses. Campagne's reporters are not a scarce resource because it relies on untrained volunteers who are self-motivated and require no monetary compensation.

Campagne Omits Element

Birch's scouts require organization and skills training by a controlling entity. Campagne's reporters are self-organized and self-trained, thereby eliminating the management control function and significant cost from the reporting method.

Campagne Produces New and Unexpected Results

Prior art research declares, "Social Structures that take advantage of our inherent, self-organizing social dynamics will be best enabled to cope with our increasingly complex world."¹. Campagne harnesses this useful self-organizing social dynamic (Claim 26a) to provide new and unexpected

¹ Proceedings of the 6th International Conference on Artificial Life, at University of California at Los Angeles, June 26-29, 1998; "Symbiotic Intelligence: Self-Organizing Knowledge on Distributed Networks Driven by Human Interaction", p.404.

results. Campaigne enables anyone to join a community of interested reporters and begin to identify and report the critical few team-member actions and collaborations that are causal to winning a contest. Campaigne's REPORTERS learn to be better reporters by learning the underlying factors that contribute to winning; how teams achieve a goal while having only partial understanding of how to do so; and also how to cooperate within their own self-organized group of REPORTERS. Campaigne distinguishes over Birch by these unexpected results and extending these unexpected results to situations that are complex in nature and where the accelerated or protracted pace of activity of team competitions made these results unattainable before Campaigne. In addition, Campaigne produces the unexpected result where Campaigne's reporters work essentially for free, because their only compensation is "skill reputation" and they organize and train themselves. Birch does not anticipate that the game metaphor and desire for the collective reports can create self-motivated reporters willing to self-organize and self-train and thereby provide the centralized benefit of reduced operating costs.

In addition, Campaigne achieves the unexpected result of indirectly integrating the REPORTER into the CONTEST being reported via Campaigne's means for providing immediate feedback to PLAYERS. Through Campaigne's self-managing feature REPORTERS also learn to cooperate with fellow REPORTERS. If they don't cooperate to collectively provide complete coverage, they learn that the reporting results will be incomplete and all REPORTERS will suffer the loss of total information which they seek.

Campagne's innovative design allows for mass use over the internet. An unexpected result is the large number of people who, by Campaigne are becoming enlightened with greater understanding of how they can solve complex problems as team members.

Campagne Solves Unrecognized Problem

Before Campaigne, the complex nature and the accelerated or protracted pace of activity of many team competitions made it impractical for one or more reporters to identify the critical few team-member actions and collaborations that are causal to winning the contest. Consequently, reporting was subjective and inconsistent and the critical few team-member actions and collaborations that are causal to winning were not identified. One skilled in the art at the time of Birch's filing did not anticipate this problem. The problem was first recognized in prior art in the field of advanced research at Los Alamos National Laboratory after Birch's filing date:

"We have argued that a dynamic process underlies all life: the ability of self-organizing systems to 'solve' essential problems, will take on new functionality as our society increasingly utilizes the Net for human interaction."p.407²

"Furthermore, in the same manner as to how society self-organized to solve problems of survival, the same processes on the Net will result in self-organization of knowledge. Because self-organizing knowledge arises from diverse contributions and can encompass knowledge greater than the

²Proceedings of the 6th International Conference on Artificial Life, at University of California at Los Angeles, June 26-29, 1998; "Symbiotic Intelligence: Self-Organizing Knowledge on Distributed Networks Driven by Human Interaction", p.407.

contribution of any individual, there is the arguable potential of creating knowledge that will contribute to solutions that are not understandable within our current processes."p.405³

To solve these problems, Campaigne includes a TEAM-MEMBER INTERACTION PROTOCOL (claim 26b) for the collective discovery of valued action sequences by plural reporters in a complex, fast-paced environment, and measuring and valuing system (claim 26c) to identify the critical few actions and collaborations. These novel features along with Campaigne' Signup Commitment feature, enable Campaigne's plural reporters to integrate their activity to simulate one omniscient information gatherer.

Campaigne Creates Unappreciated Advantage

Campaigne creates the possibility for large numbers of humans (REPORTERS) to self-organize on the internet to learn how to identify the critical few team-member actions that contribute to achieving a team goal. This achieves the unappreciated advantage of creating awareness in REPORTERS of how they can use this knowledge to be more effective team-members, themselves. Advanced research has found, "Self-organizing social dynamics has been an unappreciated positive force in our social development and has been significantly extended, as least in scope, by new technologies."p.404⁴

Although reliance by humans on group effort predates recorded history, high performance team effort is a rare occurrence. This is because as the literature states, "Individuality and self-preservation remain the rule,

³ Ibid p. 405.

⁴ Ibid p. 404.

shared responsibility based on trusting others is the exception. A reluctance to take a risk and submit one's fate to the performance of a team, therefore, is almost inbred⁵. The theme of teamwork emerges as, a) the teamwork of PLAYERS is measured, and in the process, REPORTERS learn how to identify and value teamwork, b) PLAYERS use the reported results to improve their own teamwork, c) REPORTERS cooperate to achieve complete ASPECT coverage of a CONTEST, d) REPORTERS collaborate with each other to learn effective reporting techniques and participate in refining the ASPECT Reporting Rules.

Prior Art Lacks Suggestion of Modification

Birch's "Scouts" are not central to its invention because they are not participants in the game. They are relegated to a background data entry role that is vaguely described. Since their organization and training is not described one can conclude that centralized training and centralized organizational control of the Scouts is anticipated by Birch. Birch does not suggest that Scouts could be comprised by a large number of inexperienced observers. Consequently, Campaigne distinguishes over Birch by its decentralized training and decentralized organization of its reporters which are not anticipated by Birch. "One skilled in the art" at the time of Birch would not have discerned that the benefits of self-organization or self-training out weighs the potential cost burden of preventing reporting errors or lapses in complete reporting coverage which are anticipated and compensated for in Campaigne. At the time of Birch's filing, only those skilled in the very

⁵ The Wisdom of Teams; creating the high-performance organization; Jon R. Katzenbach, Douglas K. Smith; Harvard Business School Press, 1993 Boston, MA.

different art of Symbiotic Intelligence research in the field of Artificial Intelligence were aware of this insight as the prior reference from the Proceedings of the International Conference on Artificial Intelligence illustrates. Campaigne provides a method for guiding first time reporters on how to integrate their reporting activities to achieve the goal of self-organizing to collectively provide complete and consistent reporting coverage for a contest, when given only partial understanding of how they can achieve said goal. Campaigne includes re-enforcement learning for self-training of inexperienced reporters on reporting skills and a means to guide self-organization to collectively provide complete reporting coverage for a contest. Birch lacks any suggestion that it should be modified to meet Campaigne's claims.

Success of hardwoodthunder

hardwoodthunder.org has been introduced as the first implementation of this system and method. Exhibit 1 shows the home page and an explanation of how to play the game. The following quote indicates the novelty and unobviousness (at the time of Birch) of Campaigne as evidenced by the television market need, "If the networks want that mass audience, they're going to have to bring an interactive element into the experience or they're just going to have smaller and aging audiences. Sports is a good place to start experimenting with realtime re-purposing of TV programming, Mr. Zey adds. Sporting events [are] one of the few things left that people need to experience in real time..."⁶

⁶ The Christian Science Monitor, "Missing: TV's male audience", p. 19 Friday November 7, 2003

No Convincing Reasoning for Rejection

The examiner has not presented a convincing line of reasoning as to why the claimed subject matter as a whole, including its differences over the prior art, would have been obvious.

The applicant requests consideration of this claim in light of the following court findings:

Must Suggest Desirability to Constitute Anticipation

It is well known that in order for any prior-art references themselves to be validly combined for use in a prior-art & 103 rejection, the references themselves (or some other prior art) must suggest that they be combined. E.g., as was stated in In re Sernaker, 217 U.S.P.Q. 1, 6 (C.A.F.C. 1983):

"[P]rior art references in combination do not make an invention obvious unless something in the prior art references would suggest the advantage to be derived from combining their teachings."

Examiner Must Provide Evidence of Obviousness

In line with these decisions, recently the Board stated in Ex parte Levengood, 28 U.S.P.Q.2d 1300 (P.T.O.B.A.&I. 1993):

"In order to establish a *prima facie* case of obviousness, it is necessary for the examiner to present evidence, preferably in the form of some teaching, suggestion, incentive or inference in the applied prior art, or in the form of generally available knowledge, that one having ordinary skill in the art would have been led to combine the relevant teachings of the applied references in the proposed manner to arrive at the claimed invention--

That which is within the capabilities of one skilled in the art is not synonymous with obviousness--That one can reconstruct and/or explain the theoretical mechanism of an invention by means of logic and sound scientific reasoning does not afford the basis for an obviousness conclusion unless that logic and reasoning also supplies sufficient impetus to have led one of ordinary skill in the art to combine the teachings of the references to make the claimed invention--Our reviewing courts have often advised the Patent and Trademark Office that it can satisfy the burden of establishing a *prima facie* case of obviousness only by showing some objective teaching in either the prior art, or knowledge generally available to one of ordinary skill in the art, that 'would lead' that individual 'to combine the relevant teachings of the references.'--Accordingly, an examiner cannot establish obviousness by locating references which describe various aspects of a patent applicant's invention without also providing evidence of the motivating force which would impel one skilled in the art to do what the patent applicant has done."

The applicant requests reconsideration of Claim 26 and withdrawal of the objection of obviousness, on the basis that the new claim defines novel structure that produces new and unexpected results, and would not have been obvious to a person of ordinary skill in the art at the time Birch's invention was made. Applicant submits that such claim is clearly patentable.

Applicant requests reconsideration of claims 27 - 37 and withdrawal of the objection of obviousness on the basis of the following assertions:

Revised dependent claims 27 - 31 and 33 - 37 and independent claim 32 incorporate all the subject matter of claim 26 and add additional subject matter which makes them a fortiori and independently patentable over Birch.

Conclusion

The applicant has reviewed all the non-applied references and has determined that none shows Campaigne's invention or renders it obvious. For all of the above reasons, applicant submits that the specification, drawings, title, abstract and claims are now in proper form, and that the claims all define patentably over the prior art. Therefore he submits that this application is now in condition for allowance, which action he respectfully solicits.

Conditional Request for Constructive Assistance

Applicant has amended the title, abstract and claims of this application so that they are proper, definite, and define novel structure which is also unobvious. If, for any reason this application is not believed to be in full condition for allowance, applicant respectfully request the constructive assistance and suggestions of the Examiner pursuant to M.P.E.P. § 2173.02 and § 707.07(j) and the Examination Guidelines for Computer-Related Inventions which states, "Whenever practicable, Office personnel should indicate how rejections may be overcome and how problems may be resolved."

Therefore it is submitted that patentable subject matter is clearly present. If the examiner agrees but does not feel that the present claims are technically adequate, Applicant respectfully requests that the examiner write acceptable claims pursuant to MPEP 707.07(j).

Interview Summaries

Teresa Walberg and Applicant 05/06/2004

Teresa stated that if Applicant had used the language "include by reference" in the original specification then Applicant's existing patent and this application would have been joined as one. Because of actual wording Applicant cannot add subject matter from the existing patent since it would be considered new matter. Applicant can state the TIP or any other term is defined in Applicant's patent which is referenced.

The Applicant's course of action should be to submit another Amendment B that cancels the original claims and adds new claims that are supported in the original specification. There should include three kinds of arguments:

- 1) claims are directed to the original invention claimed, i.e., the same embodiment and purpose,
- 2) claims are different from the prior art,
- 3) claims are supported by the original specification.

Teresa said there are two conflicting goals to satisfy:

- 1) particularly point out matter,
- 2) don't add new matter.

Binh-An Duc Nguyen and Applicant 05/10/2004

Teresa and Binh agree with the acceptability of clauses a) and b) in claim 26, as supported by the original specification. This overcomes the objection of new matter being added. The objection of the second Office Action, "claims directed to a different invention than originally claimed" was defined to center on the limitation of CONTEST referring only to the sports embodiment. Applicant pointed

out the second embodiment shows that Commercial Environment is also a competition between sales organizations. Only one can win. This overcame the objection.

Applicant requested an informal review of a draft Amendment B and guidance per the examiner's manual "Office personnel Should indicate how rejections may be overcome and how problems bay be resolved." Since Teresa is leaving the department, she and Binh agreed to an informal review by Binh and Jessica Harrison.

Binh-An Duc Nguyen and Applicant 05/20/2004

Applicant's draft Amendment B overcomes the original objections but since claims have changed, Binh will do another search of prior art. If Binh finds reference that precedes Applicants invention then he will reject it finally. Applicant will have 3 months to respond to the objections to claims in Amendment B. If Applicant cannot overcome the new objections then Applicant can file a continuation application and modify the claims and re-submit without loosing file date.

Binh stated that Applicant's Amendment B will be in the proper form with the following changes:

- 1) claim 27 - change "security" to "filter",
- 2) add means to the system claims.

Binh said that patent office will accept a faxed copy as official. It should be signed and should include a table of contents on the cover page for a) title and specification, b) amendment to claims, c) remarks and d) abstract. Applicant should incorporate interview in the remarks.

Applicant does not have to submit a separate clean copy of the application nor a marked up copy of the entire application.

Declaration

I hereby declare that to the best of my knowledge, no new matter has been added the original specification.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Very respectfully,

 5/24/2004

Philip J. Campaigne

-----Applicant Pro Se-----

101 Slough Road
Harvard, MA 01451
Tel. (978) 456-8302
Email. pcampaigne@charter.net

Exhibit 1

• Cont.

hardwood thunder Reality Basketball®

[Home](#)[Training](#)

®

To Report:

- [Signup](#)
- [Observe](#)
- [Team](#)
- [Results](#)
- [Aspects](#)
- [Example](#)
- [Rules](#)
- [Scoring](#)
- [Performance](#)
- [Learning](#)

Welcome to Reality Basketball!

Begin Here

Become a Reporter

First you must become a Reporter. Reporting is easy! You report to us which team members participated in a scoring possession and our patented scoring engine will divide the points scored among the participating team-members. Here's how it works.

Signup to Report

Pick a team and a game to report. Then signup to report one of the four Critical Aspects of the game (reporting more than one will be too distracting). You will need Internet access to enter your reports. Use your computer, your Internet-enabled cell phone or your Inter-active TV remote control to enter reports while you watch the game.

Report your Observations

Each time your team scores points, enter the Jersey numbers of no more than two players who acted or collaborated in the particular aspect you are reporting; along with the number of points scored during that possession, and the team's cumulative score. Don't worry, If you submit a report containing incorrect data, just re-submit the report with the correct data within thirty seconds and we will replace your first report with your second one.

Reporters are a Team too!

You are also a member of a team...the team of reporters who have signed up to report this game. Your report will be combined with reports for other Aspects to create a composite record of the scoring possession. This team of reporters will continue to report on each succeeding scoring possession. When you report the last scoring possession for your team that ends the game, Indicate that it is the final possession so that our scoring engine can publish the final results.

View the Composite Results

Each reporter can access the [hardwoodthunder.com](http://www.hardwoodthunder.com) website and see the REAL contribution each team member is making to team productivity, and which players are collaborating together productively. You can even do this while the game is in progress. You will see patterns and trends even before the players and coaches.

Just Four Aspects to Report

Our scientific research has determined that only four Aspects are strongly related to winning. We need to

Could your business benefit from more effective sales teams? Try The Sales Game

®

report the following activities that lead directly to scoring points:

- 1) gaining control of the ball,
- 2) creating a scoring opportunity,
- 3) trying to score points (i.e. shooting field goals and foul shots),
- 4) minutes played per player.

Here's an Example

Player A rebounds the ball and passes it to Player B who penetrates the defense and creates an uncontested scoring opportunity for Player C who misses the shot. The missed shot is rebounded by Player D on the same team who shoots and scores two points.

Only Two Rules

- 1) Only reward success...don't report a possession unless it results in points being scored.
- 2) A single player can get credit for more than one aspect.

Players A, B and C get no credit for their hard work. That's life! The rebound of the missed shot starts a second possession, Player D gets all the credit for acquiring the ball, creating the scoring opportunity and trying to score points.

We'll Score Your Data

While you are watching the game, enter your data using your home computer, your Internet-enabled cell phone or your interactive TV remote control. Our patent pending scoring system will receive your data and divide team points among the players using our patent pending, scientifically proven process. The team's total points are divided among players, indicating each player's share of the team's winning effort.

See How You Did

After the game you can visit our website and see how you did. Your reporting proficiency is determined by your correct report percentage. You start as a ROOKIE and work your way through BRONZE to SILVER to GOLD Reporter. This enables you to refine your reporting skills and knowledge of winning team behavior.

What You'll Learn

You will learn:

- 1) the relative contribution to winning contributed by rebounders, playmakers and shooters,
- 2) which players work together productively,
- 3) the importance of ball control, creation of scoring opportunities, shooting accuracy and playing time per player,
- 4) the importance of team-member collaboration in offence and defense.

[Home](#) | [Training](#) | [Signup](#)

[Login](#) | [Contact Us](#)

Copyright 2004 hardwoodthunder. All Rights Reserved.